



Homeland
Security

February 7, 2020

Sent via email: EDWARD@HASBROUCK.ORG

Edward Hasbrouck
1222 Preservation Park Way, #200
Oakland, CA 94612

Re: 2016-HQFO-00209

Re: Second Interim Release for DHS FOIA Request No. 2016-HQFO-00209

Dear Mr. Hasbrouck,

This is our second interim response to your amended Freedom of Information Act (FOIA) to the Department of Homeland Security (DHS), dated and received by this office on January 21, 2016. On August 5, 2016, we notified you that a search for records in the Office of the Chief Information Officer (CIO) for emails sent to and from the email account associated for the Real ID program, which is OSIIS@hq.dhs.gov, would be conducted to further process your request.

For this production, DHS reviewed 223 pages. After review of those 223 pages, DHS has determined that 223 pages are responsive to your request. I have determined that 11 pages will be released in their entirety and 212 pages are partially releasable pursuant to Title 5 U.S.C. § 552, (b)(5) and (b)(6). FOIA Exemptions 5 and 6.

Enclosed are 223 pages with certain information withheld as described below:

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that [portions of] the responsive documents qualify for protection under the deliberative process privilege. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy

interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

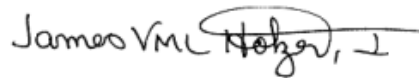
You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), Mailstop 0655, U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

While an adequate search was conducted, you have the right to the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you need any further assistance or would like to discuss any aspect of your request, you may send an e-mail to foia@hq.dhs.gov, call 202-343-1743 or toll free 1-866-431-0486, or you may contact our FOIA Public Liaison in the same manner. Please refer to your request number **2016-HQFO-00209**.

Sincerely,

A handwritten signature in dark ink, appearing to read "James V. McHolzer, Jr.", with a stylized flourish at the end.

James Holzer
Deputy Chief FOIA Officer
Department of Homeland Security

Enclosure(s): 223 pages